

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,

Plaintiff,

vs.

J.C. PENNEY CORPORATION, INC., et al.,

Defendants.

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**CASE NO. 6:09-CV-274
PATENT CASE**

ORDER

The Court has reviewed the parties' Joint Claim Construction Pre-Hearing Statement (Docket No. 263). There are three patents in suit and thirty-two terms in dispute. The Court notes that the parties indicate they will need a full day for claim construction arguments. It is the Court's standard practice to conclude claim construction hearings by lunch, and the parties should plan accordingly. The Court strongly encourages the parties to not merely rest on their briefs for disputed terms. If the terms are not important enough to the parties to require the parties' oral arguments, the Court questions whether the terms are material enough to warrant the Court's time and efforts to construe them.

Accordingly, the Court **ORDERS** the parties to meet and confer and narrow the number of disputed terms to a reasonable number. The Court further **ORDERS** the parties to file an amended P.R. 4-3 Statement by October 6, 2010. In light of this Order to reduce the number of claim terms, the Court will allow Plaintiff to resubmit its Opening Claim Construction Brief. The Court extends the deadline for Plaintiff's Opening Brief pursuant to P.R. 4-5(a) to October 8, 2010, the deadline

for Defendants' Responsive Brief pursuant to P.R. 4-5(b) to October 15, 2010, and the deadline for Plaintiff's Reply Brief pursuant to P.R. 4-5(c) and the P.R. 4-5(d) Chart to October 22, 2010. The Court also reminds the parties that the page limits governing dispositive motions pursuant to Local Rule CV-7(a) apply to claim construction briefing and will not be extended absent a showing of good cause.

So ORDERED and SIGNED this 1st day of October, 2010.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**